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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,725	11/25/2003	Boris Dorfman	555255012645	5769

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EXAMINER	
PAUL, DISLER	
ART UNIT	PAPER NUMBER
2635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,725	DORFMAN ET AL.	
	Examiner	Art Unit	
	Disler Paul	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/27/04;2/18/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 8-13,15-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrel et al. ("US2003/0073408 A1").

Re claim 1, Harrel et al. disclosed a method of testing the audio performance of an acoustic device, the acoustic device comprising a device microphone and an auxiliary output device coupled to receive electric signals from the device microphone ("*fig.1/microphone(32) and auxiliary output(34)*"), the method comprising steps of: producing an electric audio signal ("*fig.1/26; page 2[0027] line 1-3*"); providing the electric audio signal as an input to an external speaker and outputting an acoustic audio signal representation thereof("*fig.1/16;page 2[0029] line 3-5*"); providing the acoustic audio signal outputted from the external speaker as an input to the device microphone and outputting a further electric audio signal representation thereof ("*fig.1/32;page 3[0030] line 1-2*"); routing the further electric audio signal from the device microphone to the auxiliary output device and outputting it therefrom("*fig.1/34;page*

3[0030] line 3-4"); and analyzing the further electric audio signal outputted from the auxiliary output device ("*fig.1/27,38;page 1[0011] line 12-14; page 1[0013] line 1-4*").

Re claim 2, the method of claim 1 wherein the further electric audio signal outputted from the auxiliary output device is compared to the electric audio signal produced ("*page 1[0012] line 10-12;fig.1/signal from(26) is compared with pick up signal at (32)*").

Re claim 3, the method of claim 1 wherein at least one signal characteristic of the further electric audio signal is compared to a predefined test limit("*page 2[0014] line 1-2-signal's amplitude as characteristic for predefined limit in analysis and also page 5[0058] line 1-2*").

Re claim 4, the method of claim 1 wherein in a plurality of characteristics("*page 1[0012] line 17-18*") of the further electric audio signal are compared to predefined test limits("*page 5[0058]line 1-2 and further fig.12/S1640; page 3[0030] line 11-13 predetermined parameters/specifications*") for a plurality of audio signal characteristics selected from the group including signal amplitude ("*page 2[0014] line 1-2-signal's amplitude as characteristic")*, frequency response("*page 1[0005] line 6; page 1[0006] line 7-10-frequency response test*") and harmonic distortion ("*fig.2; page 3[0038] line 4-6*").

Re claim 8, the method of claim 1 wherein in the electric audio signal is produced externally to the acoustic device and in step ("*fig.1/26-produce externally*") and the further electric audio signal is analyzed externally to the acoustic device ("*fig.1/27,38-analyzed externally*").

Re claim 9, the method of claim 1, wherein the electrical audio signal produce ("*Harrell,fig.1/26*") represent single tone signal ("*fig.1/28; page 2[0027] line 1-3-radio signal produce single tone signals*").

Re claim 10, the method of claim 1 wherein the electric audio signal ("*Harrell,fig.1/26*") produced represents a multitone signal ("*fig.1/28; page 2[0027] line 1-3-radio signal produce multinone signals*").

Re claim 11, the method of claim 1 wherein the acoustic device is a hand-held voice-enabled wireless communications device ("*page 2[0026] line 10*") having a microprocessor coupling the auxiliary output device to the device microphone ("*fig.1/microprocess in (38) is couple to the microphone (32) via the auxiliary output device (34)*").

Re claim 12, the method of claim 11 wherein the acoustic device is enabled for two-way wireless data communications("*page 2[0026] line 10*").

Re claim 13, the method of claim 1 wherein the acoustic device further comprises a device speaker("*fig.1/16*") and the auxiliary

output device is an auxiliary input/output device that is coupled to provide electric signals to the device speaker ("*fig.1/34*"), the method comprising further steps of: producing a speaker test electric audio signal ("*fig.1/16*"); providing the speaker test electric audio signal through the auxiliary input/output device ("*fig.1/34-auxiliary input/output*") to the device speaker and outputting therefrom a device speaker acoustic audio signal representation of the speaker test electric audio signal("*fig.1/16-known as the device speaker*"); providing the device speaker acoustic audio signal outputted from the device speaker as an input to an external microphone and outputting a device speaker electric audio signal representation thereof ("*fig.1-output from (16) is input to external speaker (32)*"); and analyzing the device speaker electric audio signal outputted from the external microphone("*fig.1/-external mic(32) is analyzed at (27,38)*").

Re claim 14, A method of testing the audio performance of an acoustic device, wherein the acoustic device comprises a device speaker and an auxiliary input device coupled to provide electric signals to the device speaker ("*fig.1/auxiliary output(18) to speaker (16)*"), the method comprising steps of: producing a speaker test electric audio signal ("*fig.1/26,29- to produce electrical signal to radio (14)*"); providing the speaker test electric audio signal as an input to the auxiliary input device("*fig.1/(18)*"); routing the speaker test electric audio signal from the auxiliary input device to the device speaker("*fig.1/(16)*"); outputting from the device speaker a

device speaker acoustic audio signal representation of the speaker test electric audio signal("page 3[0030] line 1-2,fig.8-12-signal representation of test signal"); providing the device speaker acoustic audio signal outputted from the device speaker as an input to an external microphone and outputting a device speaker electric audio signal representation thereof ("*fig.1/(32)*"); and analyzing the device speaker electric audio signal outputted from the external microphone ("*fig.1/27,38-served as analyzer for the audio signal*").

Re claims 15-17 in regard to speaker audio signal, have been analyzed and rejected with respect to claim 2-4 respectively.

Re claim 20, in regard to speaker audio signal, has been analyzed and rejected with respect to claim 8 respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrel et al. ("US2003/0073408 A1") as applied to claims 1 and 14 above respectively, and further in view of Iseberg et al. ("US 7,050,592 B1")

Re claim 5, Harrel et al. fail to disclose connecting the external speaker to the device microphone with a seal. Iseberg et al. disclose of a hearing test device in which a seal was created ("*col.1*

line 65-67") for the purpose of determining proper placement of the test.

Thus taking the combined teaching of Harrel et al. and Iseberg et al. as whole, it would have been obvious for one of ordinary skill in the art to incorporate the creating a seal in Harrel et al. for the purpose of determining proper placement of the test as taught by Iseberg et al.

Re claim 6, Harrel et al disclose the auxiliary output device ("*fig.1/34;page 3[0030] line 3-4*"), but fail to disclose the output device further includes a headset plug. However, a headset plug is commonly known and used in the art. Thus, it would have been obvious for one skill in the art to have the headset plug for the purpose of connecting/outputting audio signal. Official Notice is taken.

Re claim 7, with regard to serial port, have been analyzed and rejected with respect to claim 6 above.

Re claims 18-19, with regard to speaker audio signal have been analyzed and rejected with respect to claim 6-7 respectively.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Easley et al. ("US 5,361,305") pertains to an automated system and audio test using external microphone and analyzer.

Ramseyer et al. ("US 6,957,134 B2") pertains to method of testing a vehicle using a generator and external microphone and analyzer.

Enya et al.(US 7,092,531 B2") pertains to a sound output for automotive vehicle with sound image localization.

contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-2000. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

VU LE
SUPERVISORY PATENT EXAMINER